



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Ref: 8ENF-L

February 7, 2013

Jami R. Brackin
Deputy Summit Count Attorney
60 N Main
Coalville, Utah 84017

RE: Richardson Flat Tailings Site, Park City, Utah

Dear Ms. Brackin:

The purpose of this letter is to follow up our conversation regarding Summit County Ordinance 692 and cleanup of Lower Silver Creek. Due to contamination resulting from historic mining operations, the U.S. Environmental Protection Agency (EPA) determined that the Richardson Flat Tailings Site (Site) posed a threat to human health and the environment and should be addressed pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et. seq.* (CERCLA). Initially, the Site encompassed the 258 acre mine tailings impoundment approximately three and one-half miles northeast of Park City, adjacent to Silver Creek. In July 2005, the EPA issued a Record of Decision (ROD) providing for the removal of contaminated sediments from nearby wetlands, covering contaminated sediments in the diversion ditch, capping the tailings impoundment, and imposing deed restrictions on future land use and groundwater use. The ROD was subsequently modified to allow for the removal of contaminated sediments in the diversion ditches. United Park City Mines (UPCM) and the EPA entered into a consent decree captioned *United States of America v United Park City Mines Company* entered on October 4, 2007 by the United States District Court for the District of Utah under case number 2:07-cv-00642, whereby UPCM is implementing the ROD.

Thereafter, the EPA expanded the Site to include additional areas of contamination associated with historic mining operations. The Richardson Flat tailings impoundment is now designated as operable unit one. EPA designated operable unit 2 of the Site to address mine waste and tailings that had been transported downstream of the tailings impoundment over twelve miles along the banks of Lower Silver Creek, from U.S. Highway 40 on the southern end to Interstate 80 on the northern end, an area of over 400 acres. UPCM agreed to perform a remedial investigation/feasibility study for operable unit 2 pursuant to an administrative order on consent executed in September 2009. The EPA recently identified two additional operable units. Along Silver Creek there is a stretch of the creek below Park City referred to as the "Middle Reach". The EPA created operable unit 3, which encompasses approximately 836 acres in the Middle Reach and approximately 720 acres along the flood plain of Silver Creek that were formerly part of operable unit 2.

The EPA also created operable unit 4, which consists of the discharge from Prospector Drain, an underground pipe that runs through a subdivision of Park City known as Prospector Square and a municipal park named Prospector Park. The Prospector Drain collects shallow groundwater from areas in and around Prospector Park and Prospector Square. It then discharges a portion of this flow to a constructed treatment wetland and the remainder to a natural wetland area on or near property known as the Silver Maple Claims. The Prospector Drain was constructed in conjunction with the development of the Prospector Park and Prospector Square area during the late 1970s when buildings were built atop tailings material. The EPA was concerned that if the outfall from the Prospector Drain was not addressed, recontamination of operable unit 2 and 3 would occur.

Summit County Ordinance No 692 was passed in 2008. This ordinance addresses impaired soils and water in Lower Silver Creek and creates a temporary overlay zone. The ordinance provides that with respect to new development, if a soils study reveals that the proposed development area is in an impacted area, remediation may be addressed through the State of Utah Voluntary Clean Up Program (VCUP) or other cleanup plan approved in advance by the Utah Department of Environmental Quality (UDEQ), the EPA and Summit County. Since Lower Silver Creek is now included within the Richardson Flat CERCLA site, EPA believes that future remediation should be addressed pursuant to CERCLA rather than the VCUP. EPA and the UDEQ also recognize the need to work with property owners who may wish to undertake development activities prior to completion of the CERCLA cleanup. The EPA would like to work with Summit County and UDEQ on how to proceed under such circumstances on a case by case basis. There are three pending VCUP applications that raise this issue. The EPA would like to schedule a meeting with you and UDEQ to discuss this matter further. I will call next week to check your availability.

I appreciate your consideration of this matter. If you have any questions, feel free to give me a call at (303) 312-6904.

Sincerely,



Andrea Madigan
Supervisory Attorney
Legal Enforcement Program

cc: Sandra Allen, State of Utah

